

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-060 Control requirements in addition to those specified.**

Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to control requirements have been moved to chapter 296-800 WAC, Safety and health core rules.

(1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the worker whether provided herein or not.

(2) Preservation of records.

(a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions.

(i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposure to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the director, department of labor and industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(3) Monitoring of employees. The department shall use industrial hygiene sampling methods and techniques including but not limited to personal monitoring devices and equipment approved by the director or his designee for the purpose of establishing compliance with chapter 296-62 WAC.

(a) The employer shall permit the director or his designee to monitor and evaluate any workplace or employee in accordance with all provisions of this subsection.

(b) The employer shall not prevent or discourage an employee from cooperating with the department by restricting or inhibiting his/her participation in the use of personal monitoring devices and equipment in accordance with all provisions of this subsection.

AMENDATORY SECTION (Amending Order 70-8, filed 7/31/70, effective 9/1/70)

**WAC 296-62-070 Chemical agents (airborne or contact).**

Note: The requirements in WAC 296-62-070 through 296-62-07005 apply only to agriculture. The requirements for general industry relating to chemical agents have been moved to chapter 296-800 WAC, Safety and health core rules.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

**WAC 296-62-080 Biological agents.**

Note: The requirements in subsections (1) and (2) of this section apply only to agriculture. The requirements for general industry relating to biological agents have been moved to chapter 296-800 WAC, Safety and health core rules.

(1) Definition. Biological agents are organisms or their by-products.

(2) Protection from exposure. Workmen shall be protected from exposure to hazardous concentrations of biological agents which may arise from processing, handling or using materials or waste.

AMENDATORY SECTION (Amending WSR 99-07-063, filed 3/17/99, effective 6/17/99)

**WAC 296-62-130 Emergency washing facilities.**

Note: The requirements in this section apply only to agriculture. The requirements for general industry relating to emergency washing facilities have been moved to chapter 296-800 WAC, Safety and health core rules.

(1) Definitions.

"Emergency washing facilities" means emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

"Corrosive" is a substance that can cause destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

"Strong irritant" means a chemical that is not corrosive, but causes a strong temporary inflammatory effect on living tissue by chemical action at the site of contact.

"Toxic chemical" means a chemical that produces serious injury or illness by absorption through any body surface.

(2) Facilities required.

(a) What requirements apply to accessing emergency washing facilities?

☛ Emergency washing facilities must be readily available and accessible.

☛ To be readily available and accessible, emergency washing facilities must be free of obstruction and require no more than ten seconds to reach.

☛ The travel distance should be no farther than fifty feet (15.25 meters).

(b) What requirements apply to emergency showers?

☛ Emergency showers must be provided if there is a potential for substantial portions of the body to come into contact with corrosives, strong irritants, or toxic chemicals.

- ☛ The emergency showers must deliver water to cascade over the user's entire body at a minimum rate of twenty gallons (75.7 liters) per minute for fifteen minutes or more.
- (c) What requirements apply to emergency eyewash?
  - ☛ Emergency eyewash must be provided where there is the potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
  - ☛ The emergency eyewash equipment must irrigate and flush both eyes simultaneously while the operator holds the eyes open.
  - ☛ The on-off valve must be activated in one second or less and must remain on without the use of the operator's hands until intentionally turned off.
  - ☛ The emergency eyewash equipment must deliver at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.
- (d) What requirements apply to personal eyewash equipment?
  - ☛ Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.
  - ☛ Such units must deliver potable water or other medically approved eye flushing solution.
  - ☛ Personal eyewash equipment may be used to supplement emergency washing facilities, however, they must not be used as a substitute.
- (e) What are the requirements for hand-held drench hoses?
  - ☛ Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose and can be used to irrigate and flush the face or other parts of the body.
  - ☛ Hand-held drench hoses may be used to supplement emergency washing facilities, however, they must not be used as a substitute.
  - ☛ Hand-held drench hoses must deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.
- (f) What periodic inspection requirements apply to plumbed and self-contained washing equipment?
  - ☛ All plumbed emergency eyewash facilities and hand-held drench hoses must be activated weekly and inspected annually to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.
  - ☛ Emergency showers must be activated and inspected annually to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.
  - ☛ All self-contained eyewash equipment and personal eyewash equipment must be inspected and maintained according to manufacturer instructions. Inspections for proper operation must be done annually. Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend fluid replacement every six months in self-contained eyewashes. The ANSI Standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

(3) Potable water. All emergency washing facilities using nonpotable water must have signs stating the water is nonpotable.

Note: For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, Emergency Eyewash and Shower Equipment. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI Standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-110 Employer responsibilities: Safe workplace--Summary.**  
Your responsibility: To provide a safe and healthy workplace free from recognized hazards.

**Important:** Use these rules where there are no specific rules applicable to the particular hazard.

You must:

- Provide a workplace free from recognized hazards.  
*WAC 296-800-11005.*
- Provide and use means to make your workplace safe.  
*WAC 296-800-11010.*
- Prohibit employees from entering, or being in, any workplace that is not safe.  
*WAC 296-800-11015.*
- Construct your workplace so it is safe.  
*WAC 296-800-11020.*
- Prohibit alcohol and narcotics from your workplace.  
*WAC 296-800-11025.*
- Prohibit employees from using equipment or materials that do not meet requirements.  
*WAC 296-800-11030.*
- Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.  
*WAC 296-800-11035.*
- Control chemical agents.  
*WAC 296-800-11040.*
- Protect employees from biological agents.  
*WAC 296-800-11045.*

Note: ~~((§)) Use these rules where there are no specific rules applicable to the particular hazard.~~  
((§)) Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. ((§)) See chapter 296-360 WAC, Discrimination((§)) pursuant to RCW 49.17.160, for a complete description of discrimination and the department's responsibility to protect employees.

NEW SECTION

**WAC 296-800-11040 Control chemical agents.** You must:

- ☛ Control chemical agents in a manner that they will not present a hazard to your workers; or
- ☛ Protect workers from the hazard of contact with, or exposure to, chemical agents.

Note: Pesticides are considered to be chemical agents. As required by this rule, you must control them or provide protection to workers from exposure to pesticide hazards. Pesticide manufacturers supply precautionary statements in the information provided with the pesticide that tells you how to protect your workers from these hazards.

## NEW SECTION

**WAC 296-800-11045 Protect employees from biological agents.** You must:

☛ Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Potential exposure to biological agents occurs during cleanup, or other tasks, where employees handle:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew

Check The Center of Disease Control website ([www.cdc.gov](http://www.cdc.gov)) to find published guidelines and information on safe handling and protection from specific biological agents (examples: Hanta virus, TB).

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-130 Safety committees ((and))/safety meetings--Summary.**

### Important:

This rule requires you to have a method of communicating and evaluating safety and health issues brought up by you or your employees in your workplace. Larger employers **must** establish a safety committee. Smaller employers have the choice of either establishing a safety committee or holding safety meetings with a management representative present.

There is a difference between a safety committee and a safety meeting.

☛ A safety committee is an organizational structure where members represent a group. This gives everyone a voice but keeps the meeting size to an effective number of participants.

☛ A safety meeting includes all employees and a management person is there to ensure that issues are addressed. Typically, the safety committee is an effective safety management tool for a larger employer and safety meetings are more effective for a smaller employer.

### **Your responsibility:**

To establish a ((workplace)) safety committee((/meeting to develop)) or hold safety meetings to create and maintain a safe and healthy workplace for all employees.

You must:

~~((Establish a safety committee or have safety meetings.~~

~~WAC 296-800-13005.~~

~~Make sure that each meeting includes a discussion of established safety topics.~~

~~WAC 296-800-13010.~~

~~Make sure that safety committee meeting minutes are recorded and preserved.~~

WAC 296-800-13015.)) Establish and conduct safety committees.

WAC 296-800-13020.

Follow these rules to conduct safety meetings.

WAC 296-800-13025.

NEW SECTION

**WAC 296-800-13020 Establish and conduct safety committees.** You must:

<b>If:</b>	<b>Then:</b>
You employ 11 or more employees on the same shift at the same location	You must establish a safety committee

(1) Establish a safety committee.

☛ Make sure your committee:

- Has employee-elected and employer-selected members.

† The number of employee-elected members must equal or exceed the number of employer-selected members.

**Note:** Employees selected by the employees bargaining representative or union qualify as employee-elected.

† The term of employee-elected members must be a maximum of one year. (There is no limit to the number of terms a representative can serve.)

† If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.

- Has an elected chairperson.

- Determines how often, when, and where, the safety committee will meet.

**Note:** ☛ Meetings should be one hour or less, unless extended by a majority vote of the committee.

☛ If the committee cannot agree on the frequency of meetings, the department of labor and industries regional safety consultation representative should be consulted for recommendations. (See the resources section of this book for contacts.)

You must:

(2) Cover these topics:

☛ Review safety and health inspection reports to help correct safety hazards.

☛ Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.

☛ Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

☛ Document attendance.

☛ Write down subjects discussed.

(3) Record meetings.

☛ Prepare minutes from each safety committee and:

- Preserve them for one year.

- Make them available for review by safety and health consultation personnel of the department of labor and industries.

NEW SECTION

**WAC 296-800-13025 Follow these rules to conduct safety meetings.** You must:

<b>If:</b>	<b>Then:</b>

You have 10 or fewer employees <b>OR</b> If you have 11 or more employees that ☛ Work on different shifts with 10 or fewer employees on each shift <b>OR</b> ☛ Work in widely separate locations with 10 or fewer employees at each location	You may choose to hold a safety meeting instead of a safety committee
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- (1) Do the following for safety meetings.
- ☛ Make sure your safety meetings:
    - Are held monthly. You may meet more often to discuss safety issues as they come up.
    - Have at least one management representative.
  - (2) Cover these topics.
    - ☛ Review safety and health inspection reports to help correct safety hazards.
    - ☛ Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
    - ☛ Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.
    - ☛ Document attendance.
    - ☛ Write down subjects discussed.
- Note:** There are no formal documentation requirements for safety meetings except for writing down who attended and the topics discussed.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-150 Rule summary.** Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-800-15005.

Make sure first-aid training contains required subjects.

WAC 296-800-15010.

Keep current and document your first-aid training.

WAC 296-800-15015

Make sure appropriate first-aid supplies are readily available.

WAC 296-800-15020.

Provide a first-aid station when required.

WAC 296-800-15025.

Make sure emergency washing facilities are functional and readily accessible.

WAC 296-800-15030.

Inspect and activate your emergency washing facilities.

WAC 296-800-15035.

Make sure supplemental flushing equipment provides sufficient water.

WAC 296-800-15040.

((Note:)) Reference: Your workplace may be covered by separate first-aid rules. If you do any of the types of work listed below, you

must follow separate industry specific rules:

<b>Industry</b>	<b>Chapter (WAC)</b>
Agriculture	296-307
Compressed air	296-36
Construction	296-155
Fire fighting	296-305
Logging	296-54
Sawmill	296-78
Ship building and repairing	296-304

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

#### NEW SECTION

**WAC 296-800-15030 Make sure emergency washing facilities are functional and readily accessible.** You must:

- ☛ Provide an emergency shower:
  - When there is potential for major portions of an employee's body to contact corrosives, strong irritants, or toxic chemicals.
  - That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.
- ☛ Provide an emergency eyewash:
  - When there is potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
  - That irrigates and flushes both eyes simultaneously while the user holds their eyes open.
  - With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off.
  - That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

Note: Chemicals that require emergency washing facilities:

- ☛ You can determine whether chemicals in your workplace require emergency washing facilities by looking at the material safety data sheet (MSDS) or similar documents. The MSDS contains information about first-aid requirements and emergency flushing of skin or eyes.
- ☛ For chemicals developed in the workplace, the following resources provide information about first-aid requirements:
  - NIOSH Pocket Guide to Chemical Hazards
  - \*DHHS (NIOSH) Publication No. 97-140
  - \*<http://www.cdc.gov/niosh/npg/ggdstarhtml>
  - Threshold Limit Values for Chemical Substances and Physical Agents American Conference of Governmental Industrial Hygienists (ACGIH)

You must:

- ☛ Make sure emergency washing facilities:
  - Are located so that it takes no more than ten seconds to reach.
  - Are kept free of obstacles blocking their use.
  - Function correctly.
  - Provide the quality and quantity of water that is satisfactory for emergency washing purposes.

Note: ☛ If water in emergency washing facilities is allowed to freeze, they will not function correctly. Precautions need to be taken to prevent this from happening.



- ☛ The travel distance to an emergency washing facility should be no more than fifty feet (15.25 meters).
  - ☛ For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, *Emergency Eyewash and Shower Equipment*. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.
- Reference:
- ☛ Training in the location and use of your emergency washing facilities is required under the employer chemical hazard communication rule, WAC 296-800-170, and the accident prevention program rule, WAC 296-800-140.
  - ☛ All emergency washing facilities using "not fit for drinking" (nonpotable) water must have signs stating the water is "not fit for drinking." See WAC 296-800-23010.

#### NEW SECTION

**WAC 296-800-15035 Inspect and activate your emergency washing facilities.** You must:

- ☛ Make sure all plumbed emergency washing facilities are inspected once a year to make sure they function correctly.

- Note: Inspections should include:
- ☛ Examination of the piping
  - ☛ Making sure that water is available at the appropriate temperature and quality
  - ☛ Activation to check that the valves and other hardware work properly
  - ☛ Checking the water flow rate.

You must:

- ☛ Make sure plumbed emergency eyewashes and hand-held drench hoses are activated weekly to check the proper functioning of the valves, hardware, and availability of water

- ☛ Make sure all self-contained eyewash equipment and personal eyewash units are inspected and maintained according to manufacturer instructions.

- Inspections to check proper operation must be done once a year
- Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend replacing fluid in open self-contained eyewashes every six months. The period for sealed containers is typically two years.

#### NEW SECTION

**WAC 296-800-15040 Make sure supplemental flushing equipment provides sufficient water.**

Note: Supplemental flushing equipment cannot be used in place of required emergency showers or eyewashes.

You must:

- ☛ Make sure hand-held drench hoses deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.

- Note: Why use a drench hose? A drench hose is useful when:
- ☛ The spill is small and does not require an emergency shower
  - ☛ Used with a shower for local rinsing, particularly on the lower extremities.

You must:

- ☛ Make sure personal eyewash equipment delivers only clean water or other medically approved eye flushing solutions.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-16050 Make sure your employees use appropriate eye and face protection.** You must:

☛ Make sure that employees exposed to hazards that could injure their eyes and/or face use appropriate protection. Examples of these hazards include:

- Flying particles.
- Molten metal.
- Liquid chemicals.
- Acids or caustic liquids.
- Chemical gases or vapors.
- Any light that could injure the eyes such as lasers, ultraviolet, or infrared light.

- Objects that puncture.

☛ Make sure employees exposed to hazards from flying objects have eye protection with side protection, such as safety glasses with clip-on or slide-on side shields.

☛ Make sure eye protection for employees who wear prescription lenses:

- Incorporates the prescription into the design of the eye protection;
- or
- Is large enough to be worn over the prescription lenses without disturbing them.

☛ Make sure PPE used to protect the eyes and face meet the following specific ANSI (American National Standards Institute) standards((+)).  
((+))Most commercially available PPE is marked with the specific ANSI requirements.((+))

- PPE bought before February 20, 1995, must meet ANSI standard ((A87))  
Z87.1-1968.

- PPE bought on or after February 20, 1995, must meet ANSI standard  
Z87.1-1989.

- If you use eye or face protection that does not meet these ANSI standards, you must show they are equally effective.

Note: ANSI is the American National Standards Institute that publishes nationally recognized safety and health requirements.  
Their address is:

ANSI (American National Standards Institute)  
1819 L Street NW  
Washington, DC 20036  
Phone: (202) 293-8020  
Fax: (202) 293-9287  
<http://www.ansi.org>

AMENDATORY SECTION (Amending 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-16070 Make sure your employees are protected from drowning.**  
You must:

(1) Provide and make sure your employees wear personal flotation devices (PFD).

- ☛ When they work in areas where the danger of drowning exists, such as:
- On the water.

- Over the water.
- Alongside the water.

Note: Employees are not exposed to the danger of drowning when:  
 ((~~The water is known to be less than chest high on the employee.~~))  
 - Employees are working behind standard height and strength guardrails.  
 - Employees are working inside operating cabs or stations that eliminate the possibility of accidentally falling into the water.  
 - Employees are wearing an approved safety belt with a lifeline attached that prevents the possibility of accidentally falling into the water.

You must:

☛ Provide your employees with PFDs approved by the United States Coast Guard ((~~PFDs. Ski belts or inflatable type PFDs are prohibited~~)) for use on commercial or merchant vessels. The following are appropriate or allowable United States Coast Guard-approved PFDs:

Type of PFD	General Description
Type I	Off-shore life jacket((?))_ effective for all waters or where rescue may be delayed.
Type II	Near-shore buoyant vest((?))_ intended for calm, inland water or where there is a good chance of quick rescue.
Type III	Flotation aid((?))_ good for calm, inland water, or where there is a good chance of rescue.
Type V	Flotation aids such as boardsailing vests, deck suits, ((and)) work vests <u>and inflatable PFDs marked for commercial use.</u>

Note: ☛ Commercially available PFDs are marked or imprinted with the type of PFD.  
 ☛ Type IV PFDs are throwable devices. They are used to aid persons who have fallen into the water.

You must:

☛ Inspect PFDs before and after each use for defects and make sure that defective PFDs are not used.

((~~You must:~~))

(2) Provide approved life rings with an attached line on all docks, walkways, and fixed installations on or adjacent to water more than five feet deep.

☛ Life rings must:

- Be United States Coast Guard approved 30 inch size.
- Have attached lines that are at least 90 feet in length.
- Have attached lines at least 1/4 inch in diameter.
- Have attached lines with a minimum breaking strength of 500 pounds.
- Be spaced no more than 200 feet apart.
- Be kept in easily visible and readily accessible locations.

☛ Life rings and attached lines must:

- Be maintained to retain at least 75 percent of their designed buoyancy and strength.

- Be provided in the immediate vicinity when employees are assigned work at other casual locations where the risk of drowning exists.

- Work assigned over water where the vertical drop from an accidental fall would be more than 50 feet, must be subject to specific procedures as approved by the department.

**WAC 296-800-170 Employer chemical hazard communication--Introduction.**

**Important:**

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer. You should review the type of chemicals you use and consider using less hazardous chemicals (such as less toxic and nonflammable chemicals).

The Employer Chemical Hazard Communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

☛ Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

☛ Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Exemptions: ☛ Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of this rule to get complete information about these exemptions:

- Any hazardous waste or substance
- Tobacco or tobacco products
- Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
- Food or alcoholic beverages
- Some drugs, such as retail or prescription medications
- Retail cosmetics
- Ionizing and nonionizing radiation
- Biological hazards
- Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer

† Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products", and include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same manner and frequency that a consumer would use it when cleaning their house, your exposure should be the same as the consumer's, you are exempt. A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be a consumer, and is not exempt.

- Manufactured items that remain intact are exempt from this rule.
- Manufactured items that are fluids or in the form of particles are not exempt from this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	Sawed or cut in half	Used whole or intact
Pipe	Cut by a torch	Bent with a tube bender
Nylon Rope	Burning the ends	Tying a knot

((Note:)) **Reference:** ☛ If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.

☛ You may withhold trade secret information under certain circumstances. See trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

**Your responsibility:** To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

☛ Making a list of the hazardous chemicals present in your workplace

☛ Preparing a written Chemical Hazard Communication Program for your workplace

☛ Informing your employees about this rule and your program

☞ Providing training to your employees about working in the presence of hazardous chemicals

☞ Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals

☞ Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-800-17005.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-800-17010.

Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

WAC 296-800-17015.

Make sure that material safety data sheets (MSDS) are readily accessible to your employees.

WAC 296-800-17020.

Label containers holding hazardous chemicals.

WAC 296-800-17025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-800-17030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-800-17035.

Follow these rules for handling chemicals in factory sealed containers.

WAC 296-800-17040.

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-800-17045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-800-17050.

Exemption:

Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-800-17055.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees.** You must:

☞ Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift by employees when they are in their work area(s).

~~((☞ Make sure that employees can immediately obtain the required MSDS information in an emergency.~~

~~— Where employees must travel between workplaces during a workshift, such as when their work is carried out at more than one geographical location, the MSDSs may be kept at a central location at the primary workplace facility.~~

~~— This can be done by means such as voice communication or laptop computer.))~~

☞ Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop

computer.)

Note:

- ⌘ Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.
- ⌘ Barriers to immediate access of electronic MSDSs may include:

- Power outages
- Equipment failure
- System delays
- Deficient user knowledge to operate equipment
- Location of equipment outside the work area.

Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

- ⌘ MSDSs must also be made readily available, upon request, to the department in accordance with the requirements of material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. NIOSH (National Institute for Occupational Safety and Health) must also be given access to MSDSs in the same manner.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-17025 Label containers holding hazardous chemicals.**

Exemptions:

- ⌘ The following is a summary of items that are exempt from this rule:
  - Pesticides, when labeled as required by the Environmental Protection Agency (EPA).
  - Food, food additives, color additives, drugs, cosmetics, or medical/veterinary devices or products.
  - Alcoholic beverages not intended for industrial use.
  - Consumer products labeled as required by the Consumer Product Safety Commission.
  - Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act.

For complete information about each of these, see WAC 296-800-17055.

Note: You are not required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the chemical is used and controlled by the same employee who performed the transfer within the same shift.

You must:

⌘ Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

- The identity of the hazardous chemical(s) using either the chemical or common name.
- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as information about organs most likely to be affected by the chemicals.
- For individual stationary process containers, you may use alternate labeling methods such as:

- † Signs
- † Placards
- † Process sheets
- † Batch tickets
- † Operating procedures or
- † Other such written materials,

as long as the alternate method identifies the containers and conveys the required label information.

Note: ⌘ You do not need to put on new labels if existing labels already provide the required information.

- ⌘ You are not required to list each component in a hazardous mixture on the label. If a mixture is referred to on ((a material safety data sheet (-)) an MSDS((+)) by a product name, then the product name should be used as the identifier.
- ⌘ You may use words, pictures, symbols, or any combination of these, to communicate the hazards of the chemical.

Sample Container Labels



- ☛ Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.
- ☛ Some alternative labeling systems do not communicate target organ information, so the employee will have to rely on training provided by the employer to obtain this information.

You must:

☛ Not remove or deface existing labels on incoming containers of hazardous chemicals ~~((such as those marked with the United States Department of Transportation (USDOT) markings, placards and labels),))~~ unless the container is immediately labeled with the required information. ~~((You do not need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.))~~



~~((Above))~~ This is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

You must:

☛ Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note: Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.

☛ Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

#### AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace.** You must:

☛ Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

- Inform employees of:

- † The requirements of this rule
- † Any operations in their work area where hazardous chemicals are present
- † The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

☛ Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

☛ Make sure employee training includes:

- Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ↑ Monitoring conducted by you

- ↑ Continuous monitoring devices

- ↑ Visual appearance or odor of hazardous chemicals when being released

- ((↑)) - Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

- ((↑)) - Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- ((Ⓢ)) ↑ Appropriate work practices

- ((Ⓢ)) ↑ Engineering controls

- ((Ⓢ)) ↑ Emergency procedures

- ((Ⓢ)) ↑ Personal protective equipment to be used

- ((Ⓢ)) - Details of the chemical hazard communication program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

☛ Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs

☛ Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note: ☛ Interactive computer-based training or training videos can be used provided they are effective.

☛ Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

#### AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-18010 Inform current employees of exposure records.** You must:

☛ Inform current employees who are, or will be exposed to a toxic ((~~substance or harmful physical agents~~)) chemical of:

Note: A chemical is toxic if:

☛ The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) lists the substance. This may be obtained on-line, CD-ROM, or on a computer tape.

☛ Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard.

☛ A material safety data sheet (MSDS) kept by or known to the employer shows the material may be a hazard to human health.

- The existence, location, and availability of ((~~material safety data sheets~~)) MSDSs((↑)) or alternative records, and any other records covered by this rule.

- The person responsible for maintaining and providing access to



records.

- Exposure records when the employee first enters into employment and then once a year thereafter.

- Existence and their rights of access to these records.

~~(( - Exposure records when the employee first enters into employment and then once a year thereafter. ))~~

Note: Informing employees of the availability of these records may be accomplished by posting, group discussion or by individual notifications.

You must:

- ☛ Keep a copy of this rule and make copies available upon request to employees.

- ☛ Distribute to employees any informational materials about this rule that are made available to the employer by the department.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-18015 Provide access to exposure records.** You must:

- ☛ Provide access, whenever requested by an employee or their designated representative, to a relevant exposure record:

- In a reasonable time, place, and manner.

- Within fifteen working days. If the employer cannot meet this requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.

Note: ☛ Employee means any current, former or transferred worker.

☛ A relevant exposure record ~~((could be))~~ is an MSDS(s) or ~~((their))~~ its alternative((

OR

~~((or))~~ or analysis using MSDSs or their alternative.

You must:

- ☛ Make sure ~~((the department))~~ labor and industries has prompt access to any exposure records and related analysis. This must be done without violation of any rights under the Constitution or the Washington Industrial Safety and Health Act that the employer chooses to exercise.

Note: Nothing in this rule is meant to prevent employees and collective bargaining agents from getting access to information beyond that is required by this rule.

You must:

- ☛ Make sure that whenever an employee or designated representative requests an initial copy of an exposure record, related analysis or new information added to the record:

- A copy of the record is provided without cost to the employee or their representative or

- The facilities are made available for copying without cost to the employee or their representative or

- The record is loaned to the employee or their representative for a reasonable time to enable a copy to be made. Note: Whenever a record has been previously provided without cost to an employee or designated representative, and they request additional copies, the employer may charge reasonable, nondiscriminatory administrative costs (e.g., search and copying expenses, but no overhead expenses).

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-20005 Post and keep a WISHA poster in your workplace.** You must:

☛ Post it where it can easily be seen by employees and keep it in good condition.

Note: ☛ Other programs within labor and industries may require other workplace posters. These are:

– Job safety and health protection

AND

– Notice to employees-If a job injury occurs

AND

– Your rights as a nonagricultural worker

☛ You can (~~(order)~~) obtain a free copy of (~~(the WISHA Poster (Form F416-081-000))~~) labor and industries posters from any labor and industries office or by printing it off our website (<http://www.lni.wa.gov/ipub/101-054-000.htm>). You can find the labor and industries office closest to you by:

((☛ Looking at <http://www.wa.gov/lni/pa/direct.htm> or

☛ Calling 1-800-4BE SAFE (1-800-423-7233) or))

☛ Checking the resource section of this book for regional offices.

OR

– Calling 1-800-4BE SAFE (1-800-423-7233)

OR

– <http://www.lni.wa.gov/wisha/question.htm#contact>.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).** You must:

(1) Mark nonpotable water outlets, such as those used for industrial processes or fire fighting, so that no one will use them for:

☛ Drinking

☛ Washing themselves, except in emergencies

☛ Cooking

☛ Washing food, eating utensils, or clothing.

(2) Prohibit the use of nonpotable water containing substances that could create unsafe conditions such as:

☛ Concentrations of chemicals, for example, lead or chlorine((~~7~~))

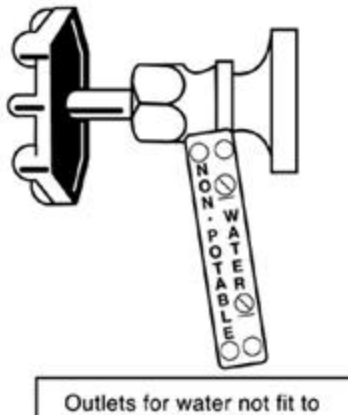
☛ Fecal coliform bacteria(~~(, or other substances)~~)).

Note: As long as the water does not contain substances that could create unsafe conditions, then nonpotable water can be used for:

– Cleaning work premises that do not involve food preparation or food processing

– Cleaning personal service rooms, such as bathrooms.

Reference: For additional requirements for emergency washing facilities see WAC 296-800-150.



AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-23020 Provide bathrooms for your employees.**

Exemption: You do not have to provide bathrooms ~~((for))~~:  
 ☛ For mobile crews, if the employees ~~((working there))~~ have transportation immediately available to nearby bathrooms that meet the requirements of this ~~((rule))~~ section.  
 ☛ At work locations not normally attended by employees, if they have transportation immediately available to nearby bathrooms meeting the requirements of this ~~((rule))~~ section.

You must:

(1) Provide bathrooms with the appropriate number of toilets for your employees at every workplace. ~~((See))~~ Use the chart below to determine how many toilets you need at your workplace.

Number of Employees *	Minimum Number of Toilets Required**
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional toilet for each additional 40 employees

\* The "number of employees" used in this table means the maximum number of employees present at any one time on a regular shift.

\*\* A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains. In bathrooms used only by men, urinals may be substituted for up to one-third of the required toilets.

You must:

☛ Have the appropriate number of toilets for each ~~((sex))~~ gender, based on the number of male and female employees at your workplace. For example, if you have 37 men and 17 women, you need to have three toilets for the men and two toilets for the women, based on the chart ~~((provided))~~ in this section.

- Separate bathrooms for men and women are not required if the bathroom:

- † Will be occupied by no more than one person at a time
- † Can be locked from the inside
- † Contains at least one toilet

☛ Make sure each toilet is in a separate compartment with a door and

walls, or partitions to assure privacy.

(2) Provide toilet paper (~~((with))~~) and a toilet paper holder for every toilet.

(3) Make sure the sewage disposal method does not endanger the health of employees.

(4) Make sure bathrooms are maintained in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-25015 Provide handrails and stair railings.**

Exemption: Vehicle service pit stairways are exempt from the rules for stairway railing and guards, if they would prevent a vehicle from moving into a position over the pit.

Definition: ☛ A handrail is a single bar or pipe on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

☛ A stair railing is a vertical barrier attached to a stairway with an open side, to prevent falls. The top surface of the stair railing is used as a handrail.

You must:

☛ Make sure stairways less than forty-four inches wide have:

- At least one handrail, preferably on your right side as you go down the stairs, if both sides are enclosed.

OR

- At least one stair railing on the open side, if one side is open.

OR

- One stair railing on each side, if both sides are open.

☛ Make sure stairways more than forty-four inches wide but less than eighty-eight inches wide have:

- One handrail on each enclosed side.

- One stair railing on each open side.

☛ Make sure stairways at least eighty-eight inches wide have:

- One handrail on each enclosed side.

- One stair railing on each open side.

- One intermediate stair railing located approximately midway of the width.

☛ Equip winding stairs with a handrail, offset to prevent walking on all portions of the treads, less than six inches wide.

((Note:)) Reference: Railings must consist of a top rail, intermediate rail, and posts. To see all of the rules for building handrails and stairway railings, refer to WAC (~~(296-24-75009 and)~~) 296-24-75011, of the general safety and health standard.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-28040 Make sure electrical equipment is effectively grounded.** You must:

☛ Make sure the path to ground from circuits, equipment, and enclosures is permanent and continuous.

☛ Make sure equipment connected by cord and plug is grounded under these conditions:

- Equipment with exposed noncurrent carrying metal parts.

- Cord and plug connected equipment which may become energized.

- Equipment that operates at over 150 volts to ground.

- Equipment in hazardous locations. (WAC 296-24-95613)

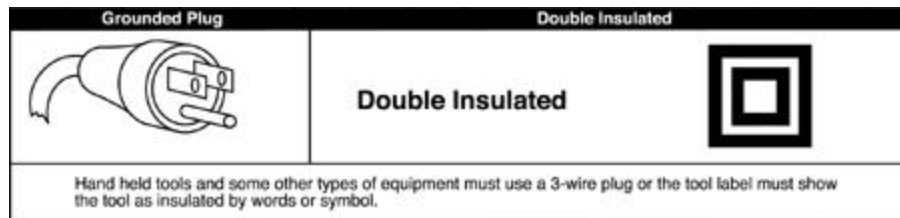
Exemption: ((~~Except for~~)) This does not apply to guarded motors and metal frames of electrically heated appliances, if the appliance frames are permanently and effectively insulated from ground.

You must:

☛ Ground the following type of equipment:

- Hand-held motor-operated tools
- Refrigerators
- Freezers
- Air conditioners
- Clothes washers and dryers
- Dishwashers
- Electrical aquarium equipment
- Hedge clippers
- Electric lawn mowers
- Electric snow blowers
- Wet scrubbers
- Tools likely to be used in damp or wet locations
- Appliances used by employees standing on the ground, on metal floors or working inside of metal tanks or boilers
- Portable hand lamps

Note: Grounding can be achieved by: Using tools and appliances equipped with an equipment grounding conductor (three-prong plug and grounded electrical system).



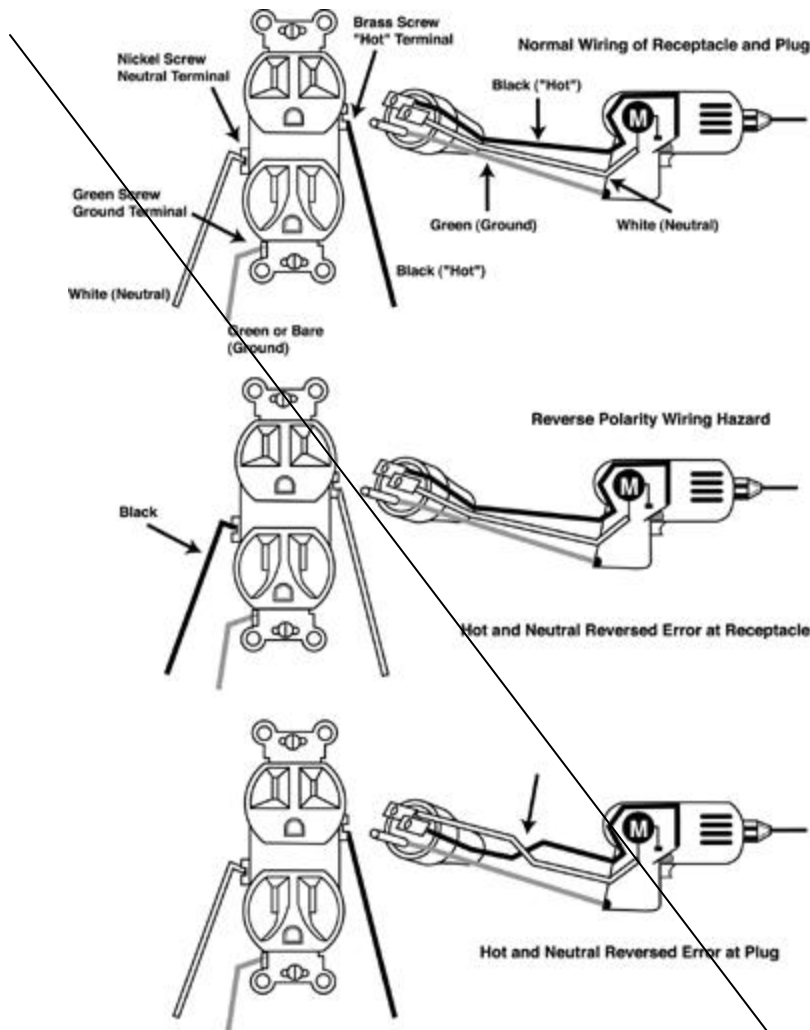
You must:

☛ Make sure exposed metal parts of fixed equipment that do not conduct electricity, but may become energized, are grounded if the equipment is in a wet or damp location and is not isolated.

☛ Make sure ground wires are identified and look different than the other conductors (wires).

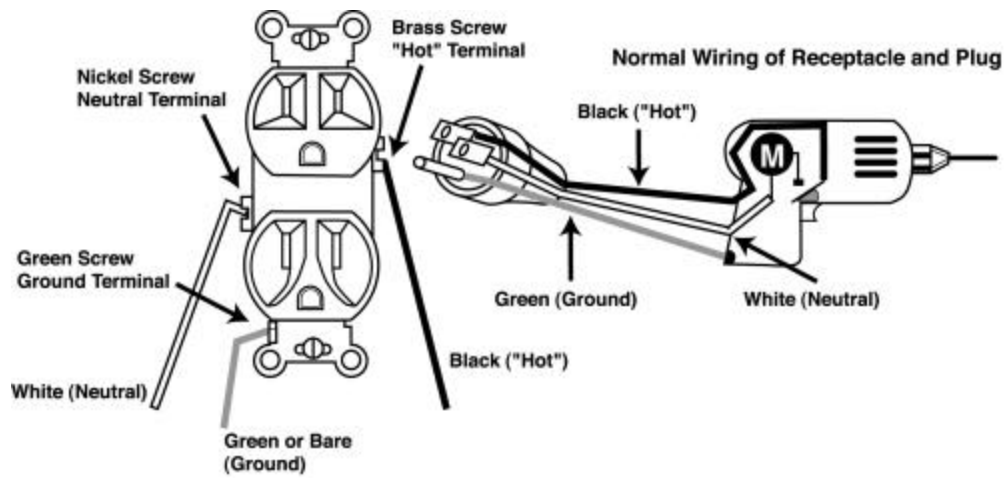
☛ Make sure ((~~ground wires~~)) grounded conductors are not attached to any terminal or lead to reverse polarity of the electrical outlet or receptacle. See illustration- Examples of wiring.

☛ Make sure grounding terminals or grounding-type devices on receptacles, cords, connectors, or attachments plugs are not used for purposes other than grounding.

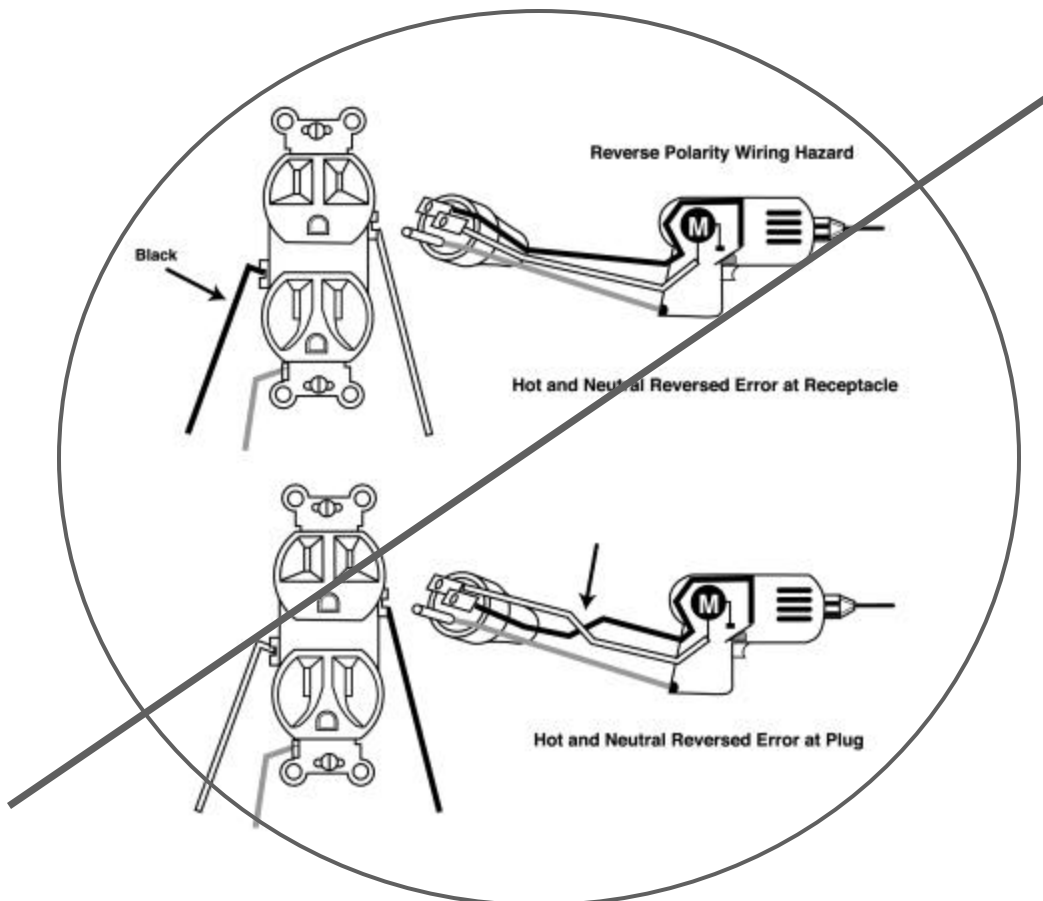


Reverse polarity wiring can cause a faulty tool to start as soon as it is plugged in or not stop when the switch is released. This could cause an injury. An extremely dangerous type of reverse polarity wiring switches the hot and ground wires. This causes the body of the tool or appliance to be "hot". Touching the tool and conductive surface can result in serious or even deadly shock.

## EXAMPLES OF WIRING



## CORRECT WIRING



## INCORRECT WIRING

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-28045 Make sure electrical equipment has overcurrent protection.** You must:

☛ Make sure all electrical circuits that are rated at 600 volts or less have overcurrent protection.

☛ Protect conductors and equipment according to their ability to safely conduct electrical current.

☛ Make sure overcurrent devices do not interrupt the continuity of grounded conductors unless((-

-)) all conductors are opened at the same time ((~~or~~

~~- You are using the overcurrent devices to protect from overload when running motors)), except for motor running overload protection.~~

- ((~~You~~)) Protect employees from electrical arcing or suddenly moving electrical parts by locating fuses and circuit breakers in safe places. If this is not possible, install shields on fuses and circuit breakers.

☛ Make sure the following fuses and thermo cutouts have disconnecting mechanisms:

- All cartridge fuses accessible to nonqualified persons

- All fuses on circuits over 150 volts to ground

- All thermal cutouts on circuits over 150 volts to ground((-))

- The disconnecting mechanisms must be installed so you can disconnect the fuses or thermal cutouts without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

☛ Provide easy access to overcurrent devices for each employee or authorized building management personnel.

☛ Protect the overcurrent devices by locating them away from easily ignitable material.

- They must be placed to avoid exposure to physical damage.

☛ Make sure circuit breakers:

- Clearly indicate when they are open (off) and closed (on)

- That operate vertically are installed so the handle is in the "up" position when the breaker is closed (on). See WAC 296-24-95603 (2)(c) for more information

- Used as switches in 120-volt, fluorescent lighting circuit must be approved for that purpose and marked "SWD." See WAC 296-24-95603 (2)(c) for more information((-))

- That have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the circuit breaker.

† ((~~Fuses must also be shielded in this way~~)) Make sure fuses that have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the fuses.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-32025 Document the preliminary investigation findings.** You must:

☛ Document the preliminary investigation findings for ((~~reference~~



~~following~~)) use at any formal investigation.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-35030 Base penalty adjustments.**

WISHA may adjust an ~~((employee's))~~ employer's base penalty amount because of the good faith effort, size, and compliance history. No adjustments are made to penalty amounts specified by statute.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-35040 Reasons for increasing civil penalty amounts.**

WISHA may **increase** civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

**Repeat violations:**

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

- The 3-year period is measured from the date of the final order for each previous citation
- The adjusted base penalty will be multiplied by the total number of inspections with violations (including the current inspection with a violation) involving similar hazards
- The maximum penalty cannot exceed \$70,000 for each violation

**Willful violations:**

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10
- All willful violations will receive at least the statutory minimum penalty of \$5,000
- The maximum penalty cannot exceed \$70,000 for each violation

For example: When management is aware that employees are resistant to following specific WAC rule(s); employee resistance results in imminent danger situation or a serious violation; and management fails to make efforts that are effective in practice to overcome the resistance, then WISHA will presume that the failure constitutes voluntary action.

**Egregious violations:**

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

**Failure-to-abate violations:**

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35200 through 296-800-35270)

- The maximum penalty cannot exceed \$7,000 for every day the violation is not corrected
- For a general violation with no initial penalty, the minimum failure-to-abate penalty is \$1,000, with a possible adjustment for the employer's effort to comply
- For violations with an initial penalty, WISHA, based on the facts at the time of reinspection:
  - † Will multiply the adjusted base penalty by 5, but may possibly make adjustments for the employer's effort to comply
  - † May multiply the adjusted base penalty by the number of days past the correction date if the employer does not make an effort to comply.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-35056 You can request more time to comply.**

- ☛ You can request more time to comply if you:
  - Have made a good faith effort to comply with a citation's abatement requirements
  - Have not completed your abatement because of factors beyond your control
- ☛ Requests for more time must:
  - Be submitted in writing by you or your representative, and include:
    - The name of your business
    - The address of the workplace(s)
    - Identification of the citation and the abatement date(s) you want extended
    - The new abatement date and length of abatement period you are seeking
    - A description of the actions you have taken to comply with the abatement date(s) in the citation
    - Identification of the factors beyond your control that are preventing you from complying with the abatement date(s)
    - The means you will use to protect your employees during the time you are abating the violation.
    - Be received before midnight of the date you are asking to be extended
- ☛ The department may accept late requests if they are:
  - Received within 5 days following the applicable correction date.
  - Accompanied by your written statement explaining the exceptional circumstances that caused the delay.
- ☛ The assistant director may respond to a request received by telephone or personal conversation if the request is timely.

Note: The department does not accept late requests when compliance activity related to the abatement starts before the request is received.

- ☛ The department accepts requests by:
  - First class mail postage prepaid. Mailed to:  
Department of Labor and Industries  
WISHA Appeals  
P.O. Box 44604  
Olympia, WA 98504-4604
  - Personal delivery
  - Fax: (360) 902-5581

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-800-35076 Employers and employees can request an appeal of a citation and notice.**

**EMPLOYER REQUESTS**

☛ Any employer cited for a violation of WISHA safety and health rules may appeal a citation or corrective notice.

☛ Your request must include:

- Business name, address, telephone number; and the name, address and telephone number of any person representing you.
- Citation number.
- What you think is wrong with the citation or corrective notice and any related facts.
- What you think should be changed, and why.

**EMPLOYEE REQUESTS**

☛ Any employee or employee representative who could be affected by a citation or its correction may appeal the abatement date in the citation or corrective notice.

☛ Your request must include:

- Your name, address, telephone number, and the name, address and telephone number of any person representing you
- Citation number
- What you think is wrong with the abatement date

**SUBMITTING APPEAL REQUESTS**

☛ All appeal requests must be in writing and submitted to the department within 15 working days after receiving the citation corrective notice. If you mail your request, the postmark is considered the submission date.

☐ **All requests must be:**

- Mailed to:  
Department of Labor and Industries  
WISHA Appeals  
P.O. Box 44604  
Olympia, WA 98504-4604  
or
- Faxed to: (360) 902-5581  
or
- Brought to any department service location.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-370 Definitions.**

**Abatement Action Plans**

Refers to your written plans for correcting a WISHA violation.

**Abatement date**

The date on the citation when you must comply with specific safety and

health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

**Acceptable**

As used in **Electrical, WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

☛ If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

☛ With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

☛ With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

**Accepted**

As used in **Electrical, WAC 296-800-280** means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

**Access**

As used in material safety data sheets (MSDSs) as Exposure Records, **WAC 296-800-180** means the right and opportunity to examine and copy exposure records.

**Affected employees**

As used in WISHA appeals, penalties and other procedural rules, **WAC 296-800-350** means employees exposed to hazards identified as violations in a citation.

**Analysis using exposure or medical records**

☛ An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

- Partial or complete information from individual employee exposure or medical records or

- Information collected from health insurance claim records

☛ The analysis is not final until it has been:

- Reported to the employer or

- Completed by the person responsible for the analysis

**ANSI**

This is an acronym for the American National Standards Institute.

**Approved means:**

☛ Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

☛ As used in **Electrical, WAC 296-800-280** means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

**Assistant director**

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

**ASTM**

This is an acronym for American Society for Testing and Materials.

**Attachment plug or plug**

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

**Bare conductor**

A conductor that does not have any covering or insulation.

**Bathroom**

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

**Biological agents**

Organisms or their by-products.

**Board**

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

**Certification**

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

**CFR**

This is an acronym for Code of Federal Regulations.

**Chemical**

Any element, chemical compound, or mixture of elements and/or compounds.

**Chemical agents (airborne or contact)**

A chemical agent is any of the following:

☛ Airborne chemical agent which is any of the following:

- Dust - solid particles suspended in air, generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

- Fume - solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation.

- Gas - a normally formless fluid that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

- Mist - liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming or atomizing.

- Vapor - the gaseous form of a substance that is normally in the solid or liquid state.

☛ Contact chemical agent which is any of the following:

- Corrosives - substances that in contact with living tissue cause destruction of the tissue by chemical action.

- Irritants - substances that on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

- Toxicants - substances that have the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

**Chemical manufacturer**

An employer with a workplace where one or more chemicals are produced for use or distribution.

**Chemical name**

The scientific designation of a chemical in accordance with one of the following:

☛ The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

- ☛ The Chemical Abstracts Service (CAS) rules of nomenclature
- ☛ A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

**Circuit breaker**

☛ Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

☛ Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

**Citation**

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

**Combustible liquid**

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

**Commercial account**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

**Common name**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any designation or identification such as:

- ☛ Code name
- ☛ Code number
- ☛ Trade name
- ☛ Brand name
- ☛ Generic name used to identify a chemical other than by its chemical name.

**Compressed gas**

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

☛ 40 psi at 70°F (21.1°C)

OR

☛ 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

**Conductor**

A wire that transfers electric power.

**Container**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- ☛ Bag
- ☛ Barrel
- ☛ Bottle
- ☛ Box
- ☛ Can
- ☛ Cylinder
- ☛ Drum
- ☛ Reaction vessel
- ☛ Storage tank

**Correction date**

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

**Corrective notice**

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

**Corrosive**

As used in first aid, WAC 296-800-150, is a substance that causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

**Covered conductor**

A conductor that is covered by something else besides electrical insulation.

**Damp location**

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

**Department**

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

**Designated representative**

☞ Any individual or organization to which an employee gives written authorization.

☞ A recognized or certified collective bargaining agent without regard to written authorization.

☞ The legal representative of a deceased or legally incapacitated employee.

**Director**

The director means the director of the department of labor and industries or their designee.

**Distributor**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with Manufacturers, Distributors and Importers - Hazard Communication.

**Documentation**

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

**Dry location**

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

**Emergency washing facilities**

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

**Electrical outlets**

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

**Employee**

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of

his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

**Employee exposure record**

As used in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means a record containing any of the following kinds of information:

- ☛ Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

- ☛ Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;

- ☛ Material safety data sheets indicating that the material may pose a hazard to human health;

OR

- ☛ In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

**Employer**

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

**Exit**

Provides a way of travel out of the workplace.

**Exit route**

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

**Explosive**

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

**Exposed live parts**

Electrical parts that are:

- ☛ Not suitably guarded, isolated, or insulated

AND

- ☛ Capable of being accidentally touched or approached closer than a safe distance.

**Exposed wiring methods**

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

**Exposure or exposed**

As used in employer chemical hazard communication, WAC 296-800-170 and material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:



- ☞ Inhalation
- ☞ Ingestion
- ☞ Skin contact
- ☞ Absorption
- ☞ Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- ☞ Used
- ☞ Handled
- ☞ Stored
- ☞ Generated
- ☞ Present

#### **Exposure record**

See definition for employee exposure record.

#### **Extension ladder**

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

#### **Failure-to-abate**

Any violation(s) resulting from not complying with an abatement date.

#### **Final order**

Any of the following (unless an employer or other party files a timely appeal):

- ☞ Citation and notice;
- ☞ Corrective notice;
- ☞ Decision and order from the board of industrial insurance appeals;
- ☞ Denial of petition for review from the board of industrial insurance appeals; or

☞ Decision from a Washington State superior court, court of appeals, or the state supreme court.

#### **Final order date**

The date a final order is issued.

#### **First aid**

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

#### **Flammable**

A chemical covered by one of the following categories:

☞ Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;

☞ Gas, flammable means:

- A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or

- A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

☞ Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

☞ Solid, flammable means a solid, other than a blasting agent or explosive as defined in ((~~WAC 296-52-417~~ or)) 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance

is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

#### **Flashpoint**

☛ The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

- Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

- Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

- Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

#### **Flexible cords and cables**

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

#### **Floor hole**

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- ☛ Belt holes
- ☛ Pipe openings
- ☛ Slot openings

#### **Floor opening**

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- ☛ Hatchways
- ☛ Stair or ladder openings
- ☛ Pits
- ☛ Large manholes

The following are NOT considered floor openings:

- ☛ Openings occupied by elevators
- ☛ Dumbwaiters
- ☛ Conveyors
- ☛ Machinery
- ☛ Containers

#### **Foreseeable emergency**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

#### **Ground**

As used in Electrical, WAC 296-800-280, a connection between an

electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

**Grounded**

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

**Grounded conductor**

A system or circuit conductor that is intentionally grounded.

**Ground-fault circuit-interrupter**

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

**Grounding conductor**

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

**Grounding conductor, equipment**

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

**Guarded**

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

**Hand-held drench hoses**

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

**Handrail**

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

**Harmful physical agent**

Any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypo- or hyperbaric pressure, etc.) which:

☛ Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) (see Appendix B); or

☛ Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

☛ Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

**Hazard**

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

**Hazard warning**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

**Hazardous chemical**

Any chemical that is a physical or health hazard.

**Health hazard**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical with the potential to cause acute or chronic health effects in

exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- ☛ Chemicals which are carcinogens
- ☛ Toxic or highly toxic agents
- ☛ Reproductive toxins
- ☛ Irritants
- ☛ Corrosives
- ☛ Sensitizers
- ☛ Hepatotoxins
- ☛ Nephrotoxins
- ☛ Neurotoxins
- ☛ Agents which act on the hematopoietic system
- ☛ Agents which damage the lungs, skin, eyes, or mucous membranes

**See WAC 296-62-054 for** more definitions and explanations about the scope of health hazards covered by this part.

**See WAC 296-62-054 for** the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.

#### **Hospitalization**

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

#### **Identity**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- ☛ Required list of hazardous chemicals
- ☛ Chemical label
- ☛ MSDSs

#### **Imminent danger violation**

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

#### **Importer**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means the first business within the Customs Territory of the USA that:

- ☛ Receives hazardous chemicals produced in other countries

AND

- ☛ Supplies them to distributors or employers within the USA

See WAC 296-62-054 for requirements dealing with Manufacturers, Importer and Distributors - Hazard Communication.

#### **Insulated**

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- ☛ The amount of voltage involved

AND

- ☛ The type of covering material

#### **Interim waiver**

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

#### **Ladder**

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

#### **Listed**

Equipment is listed if it:

☛ Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

☛ States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

**Material safety data sheet (MSDS)**

Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.

For requirements for developing MSDSs see WAC 296-62-054--Manufacturers, Importers, and Distributors - Hazard Communication.

**Medical treatment**

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

**Mixture**

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

**Movable equipment**

As used in WAC 296-800-35052, a hand-held or nonhand-held machine or device;

☛ That is powered or nonpowered;

AND

☛ Can be moved within or between worksites

**Must**

Must means mandatory.

**NEMA**

These initials stand for National Electrical Manufacturing Association.

**NFPA**

This is an acronym for National Fire Protection Association.

**Nose**

The portion of the stair tread that projects over the face of the riser below it.

**Occupational Safety and Health Administration (OSHA)**

Passed in 1970 by the U.S. Congress, the Occupational Safety and Health Act (OSHA) provides safety on the job for working men and women. OSHA oversees states (such as Washington) that have elected to administer their own safety and health program. OSHA requires WISHA rules to be at least as effective as OSHA rules.

**Office work environment**

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

☛ Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

☛ Office areas of manufacturing and production facilities, not including process areas.

☛ Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

**Open riser**

A stair step with an air space between treads has an open riser.

**Organic peroxide**

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

**Outlet**

See definition for electrical outlets.

### **Oxidizer**

A chemical other than a blasting agent or explosive as defined in WAC ((296-52-417)) 296-52-60130 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

### **Permissible exposure limits (PELs)**

PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

☞ Permissible exposure limits - Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.

☞ Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.

☞ Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the workday. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.

☞ Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

### **Person**

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

### **Personal eyewash units**

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

### **Personal service room**

Used for activities not directly connected with a business' production or service function such as:

- ☞ First-aid
- ☞ Medical services
- ☞ Dressing
- ☞ Showering
- ☞ Bathrooms
- ☞ Washing
- ☞ Eating

### **Personnel**

See the definition for employees.

### **Physical hazard**

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- ☞ Combustible liquid
- ☞ Compressed gas
- ☞ Explosive
- ☞ Flammable
- ☞ Organic peroxide
- ☞ Oxidizer

- ☞ Pyrophoric
- ☞ Unstable (reactive)
- ☞ Water reactive

**Platform**

Platform means an extended step or landing that breaks a continuous run of stairs.

**Plug**

See definition for attachment plug.

**Potable water**

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

**Predictable and regular basis**

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- ☞ at least once every 2 weeks

OR

☞ 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

**Produce**

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- ☞ Manufacture
- ☞ Process
- ☞ Formulate
- ☞ Blend
- ☞ Extract
- ☞ Generate
- ☞ Emit
- ☞ Repackage

**Purchaser**

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

**Pyrophoric**

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

**Qualified**

A person is qualified if they have one of the following:

- ☞ Extensive knowledge, training and experience about the subject matter, work or project
- ☞ A recognized degree, certificate, or professional standing
- ☞ Successfully demonstrated problem solving skills about the subject, work, or project

**Railing or standard railing**

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

**Reassume jurisdiction**

The department has decided to take back its control over a citation and notice being appealed.

**Receptacle or receptacle outlet**

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

**Record**

A record is any item, collection, or grouping of information. Examples include:

- ☞ Paper document
- ☞ Microfiche

- ☞ Microfilm
- ☞ X-ray film
- ☞ Computer record

#### **Repeat violation**

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

#### **Responsible party**

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

#### **Rise**

The vertical distance from the top of a tread to the top of the next higher tread.

#### **Riser**

The vertical part of the step at the back of a tread that rises to the front of the tread above.

#### **Rungs**

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

#### **Runway**

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

#### **Safety factor**

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

#### **Serious violation**

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

#### **Should**

Should means recommended.

#### **Single ladder**

A type of portable ladder with one section.

It is distinguished by all of the following:

- ☞ It has one section
- ☞ It cannot support itself
- ☞ Its length cannot be adjusted

#### **Smoking**

A person is smoking if they are:

- ☞ Lighting up
- ☞ Inhaling
- ☞ Exhaling
- ☞ Carrying a pipe, cigar or cigarette of any kind that is burning

#### **Specific chemical identity**

This term applies to chemical substances. It can mean the:

- ☞ Chemical name
- ☞ Chemical Abstracts Service (CAS) registry number
- ☞ Any other information that reveals the precise chemical designation of the substance.

#### **Stair railing**

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

#### **Stairs or stairway**

A series of steps and landings:

- leading from one level or floor to another,



- leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

#### **Standard safeguard**

Safety devices that prevent hazards by their attachment to:

- ☞ Machinery
- ☞ Appliances
- ☞ Tools
- ☞ Buildings
- ☞ Equipment

These safeguards must be constructed of:

- ☞ Metal
- ☞ Wood
- ☞ Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

#### **Step ladder**

A portable ladder with:

- ☞ Flat steps
- ☞ A hinge at the top allowing the ladder to fold out and support itself
- ☞ Its length that cannot be adjusted

#### **Strong irritant**

As used in first aid, WAC 296-800-150, is a chemical that is not corrosive, but causes a strong, temporary inflammatory effect on living tissue by chemical action at the site of contact.

#### **Toeboard**

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

#### **Toxic chemical**

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

#### **Toxic substance**

Any:

- ☞ Chemical substance
- ☞ Biological agent (such as bacteria, virus, or fungus)
- ☞ Physical stress (such as noise, vibration, or repetitive motion)

A substance is toxic if:

☞ The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) lists the substance

☞ Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard

☞ A material safety data sheet kept by or known to the employer shows the material may be a hazard to human health

#### **Trade secret**

Any confidential:

- ☞ Formula
- ☞ Pattern
- ☞ Process
- ☞ Device
- ☞ Information
- ☞ Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

#### **Tread**

As used in stairs and stair railings, WAC 296-800-250 means the

horizontal part of the stair step.

**Tread run**

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

**Tread width**

The distance from front to rear of the same tread including the nose, if used.

**UL (Underwriters' Laboratories, Inc.)**

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

**Unstable (reactive)**

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

**Use**

As used in employer chemical hazard communication, WAC 296-800-170, means to:

- ☞ Package
- ☞ Handle
- ☞ React
- ☞ Emit
- ☞ Extract
- ☞ Generate as a by-product
- ☞ Transfer

**Voltage of a circuit**

The greatest effective potential difference between any two conductors or between a conductor and ground.

**Voltage to ground**

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

**Voltage, nominal**

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

**WAC**

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

**Water-reactive**

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

**Watertight**

Constructed so that moisture will not enter the enclosure or container.

**Weatherproof**

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

**Wet location**

As used in basic electrical rules, WAC 296-800-280 means:

- ☞ Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- ☞ Locations that can be saturated by water or other liquids

☞ Unprotected locations exposed to the weather (like vehicle washing areas)

**WISHA**

This is an acronym for the Washington Industrial Safety and Health Act.

**Work area**

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

**Working days**

Means a calendar day, except Saturdays, Sundays, and legal holidays.

Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day
- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

**Worker**

See the definition for employee.

**Workplace**

☞ The term workplace means:

- Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

- As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an establishment, job site, or project, at one geographical location containing one or more work areas.

**You**

See definition of employer.

**Your representative**

Your representative is the person selected to act in your behalf.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-800-13005	Establish a safety committee or have safety meetings.
WAC 296-800-13010	Make sure that each meeting includes a discussion of established safety topics.
WAC 296-800-13015	Make sure that safety committee meeting minutes are recorded and preserved.